



2026 South Dakota Legislature
Senate Bill 175
ENROLLED

AN ACT

ENTITLED An Act to require that an individual provide proof of citizenship when registering to vote and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 12-4-1 be AMENDED:

12-4-1. An individual is entitled to register as a voter of this state if the individual:

- (1) Is a citizen of the United States and has provided sufficient evidence, as set forth in section 3 of this Act, to demonstrate the individual's citizenship;
- (2) Is a resident, as defined in § 12-1-4, of the precinct in which the individual is registering as a voter;
- (3) On or before the next election, is at least eighteen years of age; and
- (4) Is not otherwise disqualified from voting.

An individual eligible to vote may vote only in the election precinct where the individual is a resident.

An individual who is a resident of a place that is within the boundaries of this state, which has been ceded to or acquired by the federal government, may not be denied the right to vote in any election held in the precinct where the individual is a resident if the individual is otherwise qualified to vote in the election.

Section 2. That § 12-4-1.3 be AMENDED:

12-4-1.3. A county auditor must designate an individual as a federal voter if:

- (1) At the time the individual applies to register as a voter or to vote by absentee ballot, the individual provides only the address of a commercial mail receiving agency, mail forwarding service, or other post office box as the address where the individual is a resident, without providing a description of the location of the individual's habitation; or

- (2) The individual applies to register as a voter and does not provide any documentation demonstrating that the individual is a United States citizen, provided that the individual is not already registered as a voter of this state.

The county auditor shall prepare a ballot that lists only the names of the candidates for United States senator, United States representative, and president and vice president of the United States, as certified by the secretary of state pursuant to § 12-8-8, and the names of the presidential electors designated for each candidate. The county auditor or member of the precinct election board shall provide the ballot to any individual who has been designated as a federal voter.

For the purposes of this section, "federal voter" means an individual who is eligible to vote in elections for presidential electors, United States senator, or United States representative at a primary, runoff, special, or general election.

Section 3. That a NEW SECTION be added to chapter 12-4:

Any individual applying to register as a voter shall provide documentation, along with the application, to demonstrate that the individual is a United States citizen. The individual shall present:

- (1) The individual's South Dakota driver license or nondriver identification card, provided that the license or identification card was issued after July 1, 2025, and indicates that the individual has provided sufficient documentation to demonstrate that the individual is a United States citizen;
- (2) A valid driver license or nondriver identification card issued by any other state or territory of the United States, provided that the license or identification card indicates that the individual has provided sufficient documentation to demonstrate that the individual is a United States citizen;
- (3) The individual's tribal identification card; or
- (4) A legible photocopy of:
 - (a) The individual's birth certificate;
 - (b) The pages of the individual's United States passport, which identify the applicant and show the individual's passport number;
 - (c) A consular report of birth abroad issued by the United States Department of State for the individual;
 - (d) The individual's certificate of naturalization; or
 - (e) Any other type of acceptable documentary evidence of citizenship permitted under 42 C.F.R. § 436.407 (January 1, 2026).

If an individual provides a copy of the individual's certificate of naturalization, the county auditor must verify the number of the certificate of naturalization with the United States Immigration and Naturalization Service.

Section 4. That § 34-10-7 be AMENDED:

34-10-7. An individual is entitled to vote at an election conducted in a proposed hospital district if the individual is registered as a voter, pursuant to chapter 12-4, and is a resident of the proposed hospital district.

Section 5. That § 12-3-1 be REPEALED.

Section 6. That § 12-3-1.1 be REPEALED.

Section 7. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to require that an individual provide proof of citizenship when registering to vote and to declare an emergency.

I certify that the attached Act originated in
the:
Senate as Bill No. 175

Received at this Executive Office
this ____ day of _____,
2026 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this ____ day of
_____, A.D., 2026

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Chief Clerk of the House

Secretary of State

Senate Bill No. 175
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State